

## **REMARKS**

For the Examiner's convenience and reference, Applicants' remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, are consistent with the Examiner's understanding.

## **STATUS OF THE CLAIMS**

Claims 1, 3-12, and 14-30 are currently pending in the application. Claims 1, 3-12, and 14-30 stand rejected. In this Response, claims 1, 5, 8, 9, 12, 14, 15, 19, 20, 21, and 23 have been amended. No new claims have been added. No new matter has been added.

## **RESPONSE TO CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1, 3-6, 8-12 and 14-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dawson (US 4,001,774) in view of Hare (US 2,379,800) and further in view of Fechalos (US 4,737,950).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 706.02(j).

Applicants submit that none of the references cited by the Examiner, either alone or in combination, teach all the limitation recited in the claims. For example, independent claim 1, as currently amended, recites a “high priority module configured to recognize packets that contain high priority operations.” As further recited in claim 1, the high priority module includes “hardware for performing the high priority operations.” These elements are important because they provide an apparatus for reducing latency within a downhole network. In particular, the high priority module is configured to recognize packets (transmitted along the network) that contain high priority operations. The high priority module may then execute the high-priority operations. These features are helpful when performing high-priority operations such as setting or reading a clock. (See paragraphs [0003], [0030], and [0031]). The amendments to claim 1 are supported in at least paragraph [0029] of the patent application.

Applicants find no reference in Fechalos or any of the art of record of such a “high priority module.” The Examiner states on Page 8 of the Office Action that such a high priority module can be found in “(fig. 2, a hardware control subsystem, “HWSS” hereinafter, comprised of “CPU 26”, “BIF 40”, “I/O 42”, “DISC 44”, “PAD 46”, etc.)” of Fechalos. However, Applicants find no such structure in Fechalos, particularly with the functionality described in newly amended claim 1. In particular, Applicants find no reference in Fechalos to a “high priority module” that can recognize packets containing high-priority operations and perform the operations contained therein. “Rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some

rational underpinning to support the legal conclusion of obviousness.” MPEP 2143.01 (IV). Applicants submit that neither Fechalos nor any of the art of record discloses all of the limitations recited in claim 1. Thus, claim 1 is patentable over Dawson, Hare, and Fechalos.

Applicants submit that independent claims 12 and 21 are allowable over the cited references for many of the same reasons presented above with respect to claim 1. In particular, none of the cited references disclose a “high priority module” as recited in newly amended claims 12 and 21. Furthermore, claims 3-11, 14-20, and 22-30 are also allowable at least by virtue of their dependency from an allowable base claim.

### **CONCLUSION**

Applicants submit that claims 1, 3-12, and 14-30 are in condition for allowance. In the event the Examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the undersigned.

Respectfully submitted,

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